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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,294	09/18/2003	Ashish Dubey	2033.66886	9047

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EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,294

Applicant(s)

DUBEY ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on election 10-25-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

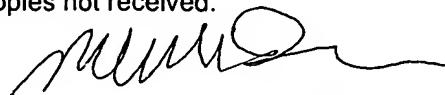
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/3/05:5/25/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The abstract of the disclosure is objected to because it contains brackets.

Correction is required. See MPEP § 608.01(b).

2. Applicant's election with traverse of claims 1-17 and 26-32 in the reply filed on 10-25-05 is acknowledged. The traversal is on the ground(s) that the same claims cannot be members of two different groups. This is found persuasive and according to the claims, specifically 26-32 are joined. Claims 1-17 and 26-32 are examined.

3. Claims 26-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 26, no manipulative step is recited. The examiner is unable to determine what process steps are claimed. Dependent claims 27-32 are also rejected for including reasons they depend on claim 26.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al(US 4793892) in view of Dinkel(US 3284980).

The primary reference to Miller et al teaches the basic claimed invention including a process for making multilayered panels comprising depositing fibers on a moving web, depositing slurry on the web and subsequently depositing additional layers on the resulting web.- col 1, lines 53-65; col 7, lines 1-37;col 8, lines 13-32. although the primary reference teaches multilayering operations, as discussed above, the secondary reference to Dinkel more clearly shows to lay similar types layers on laminated product as taught by the primary reference- col 2, lines 32-66; col 4, lines 30-75. it would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and form desired layered article in the primary reference to improve the panels' strength- col 3, lines 40-42. concerning claims 5,6,7,14,17, the resulting product characteristics/shapes are directed to product limitations which are of no patentability consequences to the instant question for patentability which must be manipulatively distinct. The secondary reference teaches various dimensions for its layers throughout the reference-col 7, lines 15-20; fig 8, lines 57-61. concerning claims 15 and 16, likewise, the amounts of constituents claimed are directed to article limitations which must be manipulatively distinct. Concerning claim 8,9,10, and 12, the claimed limitations are directed to apparatus limitations and are of no patentable consequences to the instant question for patentability which must be manipulatively distinct. Concerning claim 13, the primary reference teaches carrier layers during its process- see figs 1,2,,4 and 5. concerning claim 11, it is submitted the

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primary reference in fig 1, element 17 would knead the conveying webs together.

Concerning claim 2, the primary reference teaches such similar claimed forming devices with roller means. Concerning claim 3, the primary reference indeed cuts its panel product- col 7, lines 35-37.

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

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Any questions concerning the instant communication should be directed to Examiner
Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and
8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a long horizontal flourish extending to the right.

Merrick Dixon

Primary Examiner

Group 1700